

Decision Notice

Educational Land Grant Act Transfer of National Forest System Land to Washoe County School District #52446

**USDA Forest Service
Humboldt-Toiyabe National Forest
Carson Ranger District
Washoe County, Nevada**

Introduction

This decision completes the National Environmental Policy Act (NEPA) process for the Education Land Grant Act (ELGA) transfer on National Forest System (NFS) Land to the Washoe County School District (WCSD) that was initiated in September 2017. Following the release of the preliminary Environmental Assessment (EA) in February 2018, and draft Decision Notice (DN)/Finding of No Significant Impact (FONSI) and final EA on March 29, 2018, the forest has been working to resolve issues brought up in an objection received on May, 7, 2018. The resolution process culminated with the release of a revised EA on Aug. 1, 2018, and the public meeting held on Aug. 9, 2018. This decision includes a brief description of the objection resolution process and discusses the results of the public review of the EA published Aug. 1, 2018.

The Humboldt-Toiyabe National Forest is responding to an application for conveyance filed by WCSD as required by the Educational Land Grant Act (ELGA) (Section 2(d)(2)). The Forest needs to consider the WCSD application because the application meets the specific criteria required under ELGA and is consistent with management guidelines in the Toiyabe Land and Resource Management Plan (1986 LRMP). The application covers lands on the Carson Ranger District of the Humboldt-Toiyabe National Forest in Washoe County, Nevada, as described below.

The ELGA project area is described as approximately 51.49 acres, more or less, located at T. 18 N., R. 19 E., Sec. 24 S ½ SE ¼, excepting that portion conveyed by U.S. Patent No. 27-96-0035.

Under the provisions of the ELGA, up to eighty acres of NFS lands may be conveyed to a public school district to construct a primary or secondary school. For purposes of the ELGA, an educational use of conveyed land is a use that directly relates to the instruction of students. The educational aspects of this use must be more valuable than its non-educational aspects.

Decision

Based upon my review of all alternatives, I have decided to convey the parcel as described in the EA, which would convey approximately 51.49 acres of NFS land to WCSD for educational use in the development of the Arrowcreek Middle School.

The Proposed Action is described in more detail in the EA which also includes a summary of issues and concerns brought forward by the public during the scoping and comment periods.

Reasons for the Decision

I have decided to convey the parcel because the analysis in the EA demonstrates that there are no significant impacts resulting from the conveyance of the parcel, the conveyance is consistent with the Toiyabe National Forest Land and Resource Management Plan (LRMP) and the WCSD ELGA

application meets the requirements of the Act. The August 1, 2018 EA analyzes the potential effects of proposed action on the biological, physical and cultural resources found within the boundaries of the proposed parcel. As summarized in the Finding of No Significant Impact (FONSI) the EA did not find any significant effects to the human environment resulting from the conveyance of the parcel to WCSD.

My decision to convey the land is consistent with the Toiyabe Land and Resource Management Plan (LRMP), which contains the management direction for the Forest. The ELGA project area is located in LRMP management area #2 – Carson Front. Key resource values in the Carson front are watershed, wildlife, visuals, and dispersed recreation. The land to be conveyed under the WCSD's ELGA application is consistent with the Toiyabe LRMP as specifically addressed in Sections (1) C. Group III 2, and (2) F and G below (underlined).

The LRMP directions related to land ownership adjustments are found on page IV-54 of the LRMP as follows:

Section (1) Identify specific land ownership adjustment needs and priorities, and when possible, within local jurisdictions, meet their land management objectives such as ownership patterns, tax base, public ownership of hazard areas, etc. All lands are in one of the following groups:

Group I - These are lands Congress has directly or indirectly instructed the Forest Service to retain ownership of or acquire through acquisition of nonfederal lands for a designated purpose. Creation of a wilderness is an example of the indirect approach. In most cases, the objective is to retain existing ownership and acquire remaining lands.

Private lands within existing and proposed wildernesses should be acquired through land exchange, or purchase if land exchange negotiations cannot be consummated.

Group II - These are lands needed for a special type of management and which have been allocated for that purpose. Examples of this are key wildlife habitats, recreation lands, and special interest areas.

Group III - The remaining lands are further divided into two subgroups:

1. Consolidated NFS Lands - These are generally solid blocks of NFS lands. These "blocks" will not normally be available for adjustments.
2. Areas of Mixed Private and Federal Ownership - The objective is to rearrange ownership patterns to benefit both public and private interests and to acquire high priority lands for National Forest use

Section (2) Evaluate each land adjustment proposal using the following criteria to determine suitability and/priority for adjustment.

- A. Meets habitat needs for wildlife species with emphasis on deer winter range.
- B. Meets the needs for developed recreation.
- C. Meets the needs for dispersed recreation.
- D. Protects or enhance wilderness values.
- E. Protects or enhances visual quality objectives.
- F. Improves management efficiency and administration by reducing common property boundaries and right-of-ways.
- G. Facilitates planning objectives of other federal, state, or local agencies and Indian tribes.

The ELGA project area falls under Group III (2) as described above, and therefore, the objective is to rearrange ownership patterns to benefit both public and private interest. The parcel is part of a 90 acre block of NFS land surrounded by non-NFS lands and is not needed for any type of special management. The public interest is served better by conveying this land for use as a school than to continue to be an isolated parcel of NFS land.

The EA demonstrates that the WCSD ELGA application meets the following criteria from the Act:

- The land to be conveyed will be used for a public or publicly funded elementary or secondary school, to provide grounds or facilities related to such a school, or for both purposes;
- The conveyance is in the public interest;
- The land to be conveyed is not needed for other NFS purposes;
- The land to be conveyed has been identified as available for disposal in the land and resource management plan;
- The conveyance would serve public objectives that outweigh the objectives and values that would be served by maintaining the land in Federal ownership; and
- The total acreage to be conveyed is the minimum amount reasonably necessary for the intended purpose and does not exceed 80 acres.

No Action Alternative

In addition to the selected alternative, I also considered the No Action Alternative. The No Action Alternative would deny the application and conveyance of the NFS lands to WCSD would not occur. The parcel would remain in federal ownership and administered by the Forest under current management direction. Under this alternative, the lands would remain available for disposal through the ELGA or other forms of disposition as may be allowed by law on NFS lands.

Public Involvement and Scoping

As part of the review process, the Forest involved members of the public, residents, interested parties, state and local government agencies, and interested Tribes. A summary of the notices and public meetings are provided below:

- A public scoping notification was mailed to interested parties, adjacent landowners, and local, state, and federal agencies notifying recipients of the public meeting and detailing the project background, project location and NEPA process. This notification was mailed to approximately 93 parties on Sept. 12, 2017.
- The scoping letter was made available on Sept. 13, 2017 to the public on the Forest website at: <https://www.fs.usda.gov/project/?project=52446>, and on Sept. 14, 2017 on the WCSD website at <http://www.wcsdbuilding.com/middle-school-south-reno/>. The public scoping comment period ended on Oct. 20, 2017.
- A public open house meeting was held on Oct. 11, 2017 at Hunsberger Elementary School.
- The Preliminary EA was made available on Feb. 15, 2018 for a 30-day public comment period on the Forest website at: <https://www.fs.usda.gov/project/?project=52446>.
- A public open house meeting was held to discuss the preliminary EA and the Forest Service's decision to be made. The meeting was held at 6:30 pm on Feb. 22, 2018 at the South Valley Library Diamond Room, located at 15650-A Wedge Parkway, Reno, NV 89511.
- Eighteen comments were submitted on the preliminary EA. Comments raised questions about the traffic, visual impacts, property values, noise, and safety associated with campus development, 11 comments expressed support. All comments are included as part of the administrative record for the proposal.
- Tribal consultation with the Washoe Tribe of California and Nevada and the Reno Sparks Indian Colony began in the fall 2017.
- Pursuant Section 106 of the National Historic Preservation Act, the Forest consulted with the Nevada State Historic Preservation Office (SHPO). A cultural survey report was completed

and submitted to the SHPO on Feb. 20, 2018, with the recommended determination of no adverse effects to historic properties resulting from the conveyance of the parcel and subsequent construction of the school. The SHPO concurred with the Forest's determination on May 9, 2018.

- On March 29, 2018, the EA and draft Decision Notice/Finding of No Significant Impact was published for a 45-day objection period.
- On Aug. 1, 2018, revised EA was sent out for 30-day public review per objection resolution agreement.
- Aug. 9, 2018 the Forest and WCSD hosted a public meeting which was attended by approximately 450 interested members of the public.

Findings Required by Other Laws and Regulations

Endangered Species Act

A review of Threatened, Endangered, Candidate, and Proposed (TECP) species with potential to occur in the ELGA project area was conducted using the U.S. Fish and Wildlife Service's (USFWS) Information for Planning and Consultation (IPAC) (<http://www.fws.gov/ipac/> accessed August 23, 2017) the result are filed in the project record (08ENV000-2017-E-01349). The IPAC database suggested that Lahontan cutthroat trout (T), Cui-ui (E), North American wolverine (PT), Steamboat buckwheat (E), and Webber Ivesia (T) may have potential to occur in or near the ELGA project area.

Based on evaluation of the ELGA project area, there is no potential for the Lahontan cutthroat trout, Cui-ui, North American wolverine, Steamboat buckwheat, and Webber Ivesia to occur within the ELGA project area. Conveyance of the parcel would not directly, indirectly, or cumulatively affect TECP Species.

National Historic Preservation Act (NHPA)

A Class III cultural resource survey was completed in June 2017 and subsurface resource surveys were completed in January 2018. Final reports are located in the project record (Drews 2017, Drews 2018). The surveys identified seven isolated artifacts within the ELGA project area. The seven isolated artifacts identified within the ELGA project area were evaluated and determined not to meet National Register of Historic Places (NRHP) eligibility requirements and are not considered historic properties. No architectural resources are present within the direct or indirect Area of Potential Effect (APE).

Tribal consultation with the Washoe Tribe of California and Nevada and the Reno Sparks Indian Colony began in the fall 2017 and will continue through completion of the action. WCSD is also coordinating with the Tribes and SHPO to identify and avoid impacts to cultural resources and commits to additional mitigation measures as specified by the Tribes and SHPO to avoid impacts to cultural resources. These mitigation measures may include pre-construction subsurface surveys, construction monitoring, and resource documentation.

Pre-decisional Object Review and Resolution

The draft decision was subject to objection pursuant to 36 CFR 218, Subparts A and B. The 45-day objection period started on March 29, 2018. During that period, the Forest received one objection on May 7, 2018. This objection was reviewed by the Forest Service and on June 29, 2018, the objector withdrew his objection provided Forest Service agreed to notify WCSD that a final decision in the project would not be signed and therefore no lands would be transferred to the school district until:

- 1. WCSD has submitted to the Forest Service a revised plan of development that depicts the most current school facility site plan.**

Condition met: WCSD submitted a revised plan of development depicting the most current school facility site plan to the Forest Service on July 13, 2018. The revised plan reduced the requested parcel size from approximately 60 acres described in the March 29, 2018 EA to approximately 51.49 acres. Other revised elements included the orientation of the school on the parcel to avoid known seismic fault lines, and changes to access and traffic flow across the property. The Forest reviewed this plan of development and used the new information to revise the EA that was published on Aug. 1, 2018.

2. WCSD has provided supplemental information demonstrating that it can meet or it has fulfilled the requirements of the ELGA related to the revised plan of development.

Condition met: Summary of WCSD Application Compliance with the Provisions of the ELGA is published on-line along with this signed decision.

3. The Forest Service reviews and, if necessary, revises or supplements the EA with this new information.

Condition met: The Forest Service revised the EA to provide supplemental information on updated plan of development, seismic survey, traffic, transportation, and public safety. This document was published on Aug. 1, 2018 and initiated the 30-day public review period

4. The Forest Service makes a revised EA available for public review for 30 days.

Condition met: The revised EA was available for public review Aug. 1 through 31, 2018. The Forest received 44 written comment on the revised EA. All comments were reviewed prior to preparation of this DN

5. The Forest Service holds a public meeting within the 30-day public review period.

Condition met: A public meeting was held on Aug. 9, 2018 at Hunsberger Elementary School.

The Forest has reviewed the 44 comments received during the 30-day comment period and Aug. 9, 2018 public meeting. Many of these comments express support of the conveyance the parcel to WCSD for the purpose of construction a middle school. Concerns raised during the review period include:

The need to complete seismic studies to determine the final location of the school building(s).

Seismic surveys have been completed across the parcel to be conveyed and reported in the Soils, Geology, and Water Resources Section of the EA (pgs. 31-33). This section describes the results of surficial surveys and provides reference to the reports produced for the study in the project record. While these initial surveys will need to be expanded using subsurface techniques to determine the exact location and extent of faults on the parcel the School District will be required to complete these studies as part of the Washoe County permitting process.

The location of the faults may result in modification to the plan of development to ensure that the school meets the required setbacks for the faults in the area. These are anticipated to be minor shifts in location/orientation which have no bearing on the conveyance of the land. If WCSD finds that they cannot build a school on the parcel because of seismic faulting in the area and the inability to site the school where it meets the required setbacks the parcel would revert back to NFS land after the WCSD has restored the surface disturbance to a natural state.

The need to develop a comprehensive storm water runoff plan that addresses potential flooding of areas downstream of the parcel.

Several people provided comments that the management of storm water runoff in the area is poor and that some areas are subject to flooding during heavy rain events. They were concerned the creation of more hardscapes associated with the construction of the school would increase the risk of flooding. The county and WCSD will need to address this issue in the site grading and drainage plans. While there is likely a need for a comprehensive storm water runoff plan for the area it goes far beyond the scope of the conveyance of this parcel and

involves the entirety of the watershed in which the parcel, and the surrounding sub divisions are located.

Concerns were also expressed regarding public safety related to traffic flow and congestion both during construction and when the school is in session.

The EA analyzed potential effects of traffic, transportation, and public safety (pgs. 21-24). This section of the EA describes the access flow for both public access to the front of the school and bus access at the back of the school. Access into the parcel is from the Thomas Creek Road to the east and the Crossbow Court to the west. To improve traffic flow on Thomas Creek Road the school is also proposing a turnout in the south bound lane. Additional recommendations from the traffic study document includes:

- Arrowcreek Parkway/Thomas Creek Road intersection should be a signalized intersection, roundabout, or all-way stop controlled intersection with additional approach lanes.
- Align Crossbow Court with the Sage Ridge School egress-only driveway forming a four-way stop intersection. The intersection should contain a shared left turn-right turn lane at the east approach and a right turn lane at the south approach.
- The Thomas Creek Road/Project Access intersection should be designed as a three-leg intersection with stop sign control. The intersection should contain an exclusive right turn lane at the northbound approach, and separate left and right turn lanes at the southbound approach.

WCSD will adhere to the recommendations within project specific traffic study to mitigate impacts to traffic, including periodic post-project monitoring of traffic and intersection capacity. Final traffic plans will adhere to Washoe County and Nevada Department of Transportation (NDOT) regulatory requirements, and, if appropriate, the Regional Transportation Commission's Regional Transportation Improvement Program. Final school design, including selection of access locations, will be reviewed by Washoe County Traffic Engineering and NDOT for compliance with regulatory requirements and will include an analysis of neighborhood traffic and traffic safety (EA p.24).

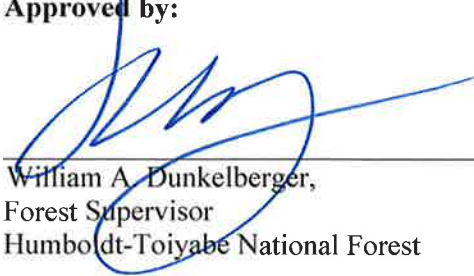
Implementation

The responsible official may not sign the DN until the Objection Reviewing Officer has responded to all objections (36 CFR 218.12(a)). On Sept. 19, 2018 David Rosenkrance, Deputy Regional Forest signed the Objection Resolution Letter (See Attached). The conveyance of the property can proceed as of the signature and date below.

Contact

For further information contact David Drake at 775-884-1241, ddrake@fs.fed.us.

Approved by:



William A. Dunkelberger,
Forest Supervisor
Humboldt-Toiyabe National Forest



Date

Finding of No Significant Impact

As the responsible official, I am responsible for evaluating the effects of the project relative to the definition of significance established by the Council on Environmental Quality (CEQ) Regulations (40 CFR 1508.13). I have reviewed and considered the EA and documentation included in the project record, and I have determined that the ELGA Transfer of NFS Land to WCSD #52446 will not have a significant effect on the quality of the human environment. As a result, no environmental impact statement will be prepared. My rationale for this finding is as follows, organized by sub-section of the CEQ definition of significance cited above.

Context

For the Proposed Action and No Action Alternative, the context of the environmental effects is based on the environmental analysis in this EA. Issues of concern were identified throughout the scoping process and considered in the alternative development and analysis. The Selected Alternative is consistent with the management direction, standards, and guidelines in the LRMP.

The ELGA project area is located in southwest Reno, Washoe County, Nevada, at the intersection of Thomas Creek Drive and Arrowcreek Parkway. Site elevation ranges from 5,070 to 5,200 feet, and the site slopes gently from southwest to northeast at approximately five (5) percent. Mean annual precipitation is 10 to 14 inches. Soils in the area consist primarily of well drained, extremely stony sandy loam over sandy clay loam originating from mixed alluvium and located on fan remnants (NRCS 2017). The dominant vegetation consists primarily composed of Wyoming big sagebrush (*Artemisia tridentata* var. *wyomingensis*) with scattered antelope bitterbrush (*Purshia tridentata*) intermixed.

The ELGA project area is roughly bounded by Thomas Creek Road to the east, Arrowcreek Parkway to the south, and Crossbow Court to the west. Residential neighborhoods surround the ELGA project area on the north, east and south sides. There are two elementary schools across Crossbow Court to the west, and Arrowcreek Fire Station #36 is located across Thomas Creek Road at the intersection with Arrowcreek Parkway.

There are no existing trails or designated formal uses of the site, although informal recreation, such as dog walking, may occur in proximity to the residential developments.

Intensity

Intensity is a measure of the severity, extent, or quantity of effects, and is based on information from the effects analysis of this EA and the references in the project record. The effects of this project have been appropriately and thoroughly considered with an analysis that is responsive to concerns and issues raised by the public. The agency has taken a hard look at the environmental effects using relevant scientific information and knowledge of site-specific conditions gained from field visits. My finding of no significant impact is based on the context of the project and intensity of effects using the ten factors identified in 40 CFR 1508.27(b).

Impacts that may be both beneficial and adverse. A significant effect may exist even if the Federal agency believes that on balance the effect will be beneficial.

All resource values have been evaluated for direct, indirect, and cumulative impacts, as shown in the EA. Both beneficial and adverse effects were considered in the environmental analysis. None of the direct, indirect, or cumulative impacts associated with the Proposed Action are significant, individually, or combined. Final project plans developed by WCSD post conveyance will adhere to Washoe County and NDOT regulatory requirements and will be submitted to the Washoe County Planning Department of review and approval. Through the permitting processes county and state agencies will require minimization of construction and operation impacts with the application of standard best management practices required by county code and permit conditions. Because WCSD

must apply for and receive all appropriate permits from permitting agencies for construction and long-term operation and adhere to all permit conditions, the Forest has determined that the direct and indirect effects identified in the EA do not rise to a level of significance. It is recognized that the intensity of the effects will likely be greater for those adjacent landowners than for the remainder of the public, but the balance of the effects will be beneficial.

My findings of no significant environmental effects are not biased by the beneficial effects of the action.

The degree to which the Proposed Action affects public health or safety.

There would be no significant effects to health and safety. All development of the property would be done under ordinances and laws that require compliance with health and safety standards. WCSD would apply for and receive all appropriate permits from permitting agencies for construction and long-term operation and adhere to all permit conditions. Increases to traffic from the Proposed Action would be evaluated and mitigation measures adopted to decrease public safety risks. WCSD has district wide standard operating procedures in place to deal with emergency situations, school lock-downs and evacuations. Final project plans will adhere to Washoe County and NDOT regulatory requirements and will be submitted to the Washoe County Planning Department of review and approval.

There would also be minimal impacts to air quality from fugitive dust and construction equipment, and motor vehicles. However, these negligible increases in emissions and particulates would be minimized by implementation of best management practices as required in the Air Quality Management Division's Dust Control Permit (reference to discussion on Air Quality on page 26 of EA).

Unique characteristics of the geographic area such as the proximity to historical or cultural resources, parklands.

There would be no significant effects on unique characteristics of the area, because the ELGA project area is surrounded on three sides by roadways and private residential development to the north. There are no park lands, prime farmlands, wetlands, wild and scenic rivers, or designated Wilderness Areas/Wilderness Study Areas (WSAs) near the ELGA project area that would be affected.

The project would not adversely impact any cultural or historic properties. Based on the Class III survey and with concurrence from SHPO, there are no cultural resources eligible for listing on the ELGA project area. The project would not adversely impact any cultural or historic properties (reference page discussion of Heritage Resources on page 15 of EA).

The Forest requested input under Section 106 of the National Historic Preservation Act (NHPA) for the project from the Washoe Tribe of Nevada and California and the Reno Sparks Indian Colony. Tribal consultation with the Washoe Tribe of California and Nevada and the Reno Sparks Indian Colony began in the Fall 2017 and is on-going. No significant tribal resources have been identified. At the Tribes request, WCSD will retain a tribal construction monitor during ground disturbing activities.

The degree to which the effects on the quality of the human environment are likely to be highly controversial.

The effects on the quality of the human environment are not highly controversial because there is no known scientific controversy over the impacts of the project. The EA process has documented the expected environmental effects of the alternatives. These effects have been disclosed in the EA. While it is evident that some members of the public may be opposed to the conveyance of NFS lands to WCSD pursuant to the ELGA for use as a school campus, the determination of the potential effects from the Proposed Action is not highly controversial within the context of the NEPA.

The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.

The analysis provided in the EA do not indicate that this action would involve any unique or unknown risks. The Forest has completed many land exchanges, including some to communities for public purposes. The WCSD is experienced in the construction and long-term operation of schools and currently manages more than 80 schools within the district. Conveyance of approximately 51.49 acres

from the Forest to WCSD and subsequent development of the Arrowcreek Middle School in adherence to county and state regulations will not result in unique or unknown risks.

The degree to which the action may establish precedent for future actions with significant effects or represents a decision in principle about a future consideration.

Current uses of the land surrounding the ELGA project area consist primarily of developed residential communities with schools and public services, and are expected to remain the same for the foreseeable future. The Proposed Action will not establish a precedent for future actions with significant effects or represent a decision about a future consideration as the surrounding areas are already built out with residential development, including additional school sites.

Whether the action is related to other actions with individually insignificant but cumulatively significant impacts. Significance exists if it is reasonable to anticipate a cumulatively significant impact on the environment. Significance cannot be avoided by terming an action temporary or by breaking it down into small component parts.

Direct, indirect, and cumulative impacts of the Proposed Action were analyzed in the Environmental Consequences section of the EA. None of the environmental impacts discussed in this EA are considered significant. Past, present, and reasonably foreseeable future actions have been considered for cumulative impacts and the analysis within the EA concludes that the cumulative impacts would not incrementally contribute to significant impacts.

The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the NRHP or may cause loss or destruction of significant scientific, cultural, or historical resources.

The Proposed Action will have no significant adverse effect on districts, sites, highways, structures, or objects listed in or eligible for listing in the NRHP. The ELGA project area has been inventoried and evaluated for historic properties, and no NRHP eligible, listed, or unevaluated properties were found on the site. Cultural resource surveys and reports were completed, and clearance was granted for the project. Consultation with local tribes has occurred and their concerns have been addressed.

The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.

The analysis presented in the EA concluded that no TECP species have potential to occur in the ELGA project area.

Whether the action threatens a violation of federal, state, or local law or requirements imposed for the protection of the environment.

The Proposed Action will not violate federal, state, and local laws or requirements for the protection of the environment. Conveyance of the land by the Forest to WCSD is consistent with the Toiyabe LRMP and conditions for conveyance set forth in the ELGA. Development of the Arrowcreek School would be consistent with applicable state and local regulations. The Proposed Action is consistent with adjacent private land uses as identified in the Washoe County Master Plan (reference Land Use discussion on page 36 of EA).

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